

STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 3rd day of March, 2014 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor
 Phillip Hyatt Mayor Pro Tem
 Ramiro Gomez Council Member
 Billy Ellis Council Member
 Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE
PERSONNEL PRESENT: Allen Lawrence City Attorney
 Sylvia Carrillo City Manager
 Yvonne Stonebraker City Secretary

ADMINISTRATIVE
PERSONNEL ABSENT:

STAFF PRESENT: Amanda Torres Administrative Assistant
 Michael Holmes Building Official
 Eric Blanchard Police Chief
 Paul Alvarado Public Works Director
 Brittany Mathews Aquatics Director
 Donna Cox Finance Director
 Jeff Martin I.T.
 Ron Howe Municipal Court Judge
 Nate Borrego Firefighter
 Margarita Wilhelm GIS Analyst

OTHERS PRESENT: Filberto Rivera, Jason Gilden, Jackie Gilden, Julien Gilden, Parris Gilden, Isaiah Gomez, Elisa Gomez, Daniel Gomez, Tyler Schmidt, Enrique Rodriguez, Logan Pena, Connie Arroyo, Annita West, James Russel, Donald & Jeanie Brummett, Dane Luce, Parkie Luce, James & Irma Tucker, Ann Melton, Barbara Oxford, Carol Salinas, Gregory Barringer, Dorothy, Leah & Brandon Barringer, Asa Barringer, Luis Salinas, Henry Breaux, Dillon Willis, John Smith, Dean & Jennifer Thomas, Candace Rodriguez, Kyle Alston, Patty Gilden, Mack Oliver, Jesse McGuire, Burton Breaux, Juanita Davidson, E.L. Davidson, Russ Point, Reece Randall, Frank Randall, Juan Perales, Jr, Scott Harris,

Melanie Mills and Michael Mills.

There may have been others present who did not sign in.

- 1. **CALL MEETING TO ORDER.**

Mayor Chapa called the meeting to order at 7:00 PM.
- 2. **INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Mayor Chapa gave the Invocation and led the Pledge of Allegiance to the United States Flag.
- 3. **CONSENT AGENDA – “All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted with one motion. There will be no separate discussion of these items unless a Councilmember so requests. If discussion is**

desired, that item will be removed from the Consent Agenda and will be considered separately”.

A. CONSIDER AND ACT ON MINUTES OF FEBRUARY 17, 2014.

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Abrego
Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa
Nay:

Discussion: Council member Hyatt made a motion to approve the minutes of February 17, 2014. Council member Abrego seconded the motion and the motion carried unanimously.

4. PUBLIC HEARING ON REQUEST OF JAMES AND IRMA TUCKER TO RE-ZONE FROM “R-16” (RESIDENTIAL DISTRICT) TO “A-2” (APARTMENT DISTRICT) THAT INCLUDES, AMONG OTHER USES, BED AND BREAKFAST” ZONING USE. THE PROPERTY IS DESCRIBED, NE 1/2 LOT 3, BLOCK “V” BURTON AND DANFORTH S/D 2.19 ACRES.

Discussion: Attorney Lawrence opened the Public Hearing at 7:02 PM and asked if there was anyone present to speak on behalf of this request.

Mr. Dane Luce, real estate agent for the Tuckers, stated he would speak on behalf of his clients. He stated the Tuckers would like an option of turning the house into a Bed & Breakfast if the sale of their house fell through. He stated the house had three (3) bedrooms and three (3) bathrooms for use as a Bed and Breakfast and the real estate firm would take care of renting. He stated Traffic would not be impacted. Mr. Luce stated there was a dance studio in the same area as this house.

City Attorney Allen Lawrence asked if there was anyone present to speak against this request.

Ms. Ann Melton stated she was the owner of the dance studio. She stated when she opened the studio in 1059, the studio was located outside of town and she did not appreciate Mr. Dane using her studio as an example.

5. CONSIDER AND ACT ON REQUEST OF JAMES AND IRMA TUCKER TO RE-ZONE FROM “R-16” (RESIDENTIAL DISTRICT) TO “A-2” (APARTMENT DISTRICT) THAT INCLUDES, AMONG OTHER USES, BED AND BREAKFAST” ZONING USE. THE PROPERTY IS DESCRIBED, NE 1/2 LOT 3, BLOCK “V” BURTON AND DANFORTH S/D 2.19 ACRES.

Motion Made By: Council member Abrego
Seconded By: Mayor Pro Tem Hyatt
Votes: Aye Abrego, Hyatt, Gomez, Chapa
Nay: Ellis

Discussion: Council member Abrego made a motion to approve the request of James and Irma Tucker to re-zone from R-16 (Residential District) to A-2 (Apartment District) that includes, among other issues, Bed and Breakfast zoning use. The property is described NE ½ Lot 3, Block “V”, Burton and Danforth S/D 2.19 Acres. Council member Hyatt seconded the motion and the motion carried with Council member Ellis voting no.

6. CONSIDER AND ACT ON UNIFORMS FOR CITY OF ARANSAS PASS FRONT OFFICE STAFF.

Motion Made By: Council member Ellis
Seconded By: Mayor Pro Tem Hyatt
Votes: Aye Ellis, Hyatt, Gomez, Abrego, Chapa
Nay:

Discussion: Council member Ellis made the motion to approve uniforms for the City of Aransas Pass front office staff. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

7. CONSIDER AND ACT ON APPROVING ITEMS FOR ARANSAS PASS POLICE DEPARTMENT:

- A. ACCEPT GRANT AGREEMENT FROM ED RACHAL FOUNDATION FOR THE PURCHASE OF POLICE VEHICLES.
- B. GUARDIAN TRACKING, LLC FOR HOSTED PERSONNEL DOCUMENTATION AND EARLY INTERVENTION & RECOGNITION SOFTWARE.
- C. MEMORANDUM OF UNDERSTANDING BETWEEN THE ARANSAS PASS POLICE DEPARTMENT AND CRIME STOPPERS AND ARANSAS PASS POLICE DEPARTMENT AND ARANSAS PASS FOR YOUTH.

Motion Made By: Council member Ellis
Seconded By: Council member Abrego
Votes: Aye Ellis, Abrego, Hyatt, Gomez, Chapa
Nay:

Discussion: Council member Ellis made a motion to approve the grant agreement from Ed Rachel Foundation for the purchase of police vehicles; Guardian Tracking, LLC for hosted personnel documentation and early intervention and recognition software; and 2 Memorandum of Understandings between the City of Aransas Pass and Crime Stoppers & Aransas Pass for Youth. Council member Abrego seconded the motion and the motion carried unanimously.

8. CONSIDER AND ACT ON APPROVING ITEMS FOR ARANSAS PASS INFORMATION TECHNOLOGY DEPARTMENT:
- A. CONTRACT RENEWAL WITH ANTI-VIRUS SOFTWARE.
 - B. 12-MONTH SERVICE AGREEMENT WITH CITRIX - GOTOASSIST. (MARCH 1, 2014 TO FEBRUARY 28, 2015)

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Ellis
Votes: Aye Hyatt, Ellis, Gomez, Abrego, Chapa
Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to approve contract renewal with anti-virus software and a 12-month agreement with Citrix-GoToAssist. Council member Ellis seconded the motion and the motion carried unanimously.

9. CONSIDER AND ACT ON APPROVAL OF PAYMENT OF ANNUAL SERVICE FEES TO TYLER TECHNOLOGY FOR SOFTWARE MAINTENANCE IN THE AMOUNT OF \$55,815.43.

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Abrego
Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa
Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to approve payment of annual service fees to Tyler Technologies for software maintenance in the amount of \$55,815.43. Council member Abrego seconded the motion and the motion carried unanimously.

10. CONSIDER AND ACT ON APPROVING INVOICES FOR PAYMENT FOR ARANSAS PASS PUBLIC WORKS DEPARTMENT:
- A. PAYMENT TO ANDERSON MACHINERY FOR \$6,164.90 FOR REPAIR WORK DONE TO ARANSAS PASS PUBLIC WORKS SLOPEMOWER.
 - B. PAYMENT TO H.D. SUPPLY COMPANY FOR \$2,679.05 FOR BACKFLOW PREVENTION EQUIPMENT.

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council member Abrego
Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa
Nay:

Discussion: Mayor Pro Tem Hyatt made a motion to approve invoices for payment to Anderson Machinery for \$6,164.90 for slopemower maintenance and H.D. Supply for \$2,679.05 for backflow prevention devices. Council member Abrego seconded the motion and the motion carried with Council member Ellis voting no.

11. CONSIDER AND ACT ON SETTLEMENT AGREEMENT BETWEEN CITY OF ARANSAS PASS AND CITY OF INGLESIDE REGARDING WATER ACCOUNTS FOR DYNAMIC INDUSTRIES AND MS. DALIA TRUJILLIO.

Motion Made By: Council member Abrego
Seconded By: Mayor Pro Tem Hyatt
Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa
Nay:

Discussion: Council member Abrego made a motion to approve a settlement agreement between the City of Aransas Pass and City of Ingleside regarding water accounts for Dynamic Industries and Ms. Dalia Trujillo. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

12. CONSIDER AND ACT ON REQUEST OF MR. ROLAND PENA FOR A 2014 FACILITY LICENSE AGREEMENT FOR THE CITY OF ARANSAS PASS SOFTBALL FIELDS.

Motion Made By: Tabled
Seconded By:
Votes: Aye
Nay:

Discussion:

13. CONSIDER AND ACT ON APPROVING BUDGET AMENDMENT ITEMS:
A. BUDGET PRESENTATION BY FINANCE DIRECTOR DONNA COX
B. ARANSAS PASS AQUATIC CENTER FOR DECK REPAIR; IMPELLERS; AND SLIDE REPAIR
C. CITY COUNCIL DEPARTMENT FOR ES&S FOR THE MAY 10, 2014 GENERAL/SPECIAL ELECTION.
D. PAST DUE HARBOR TAXES.

Motion Made By: Council member Ellis
Seconded By: Mayor Pro Tem Hyatt
Votes: Aye Ellis, Hyatt, Gomez, Abrego, Chapa
Nay:

Discussion: Finance Director Donna Cox gave a budget update for City Council.

City Manager Carrillo stated letter C-budget amendment for ES&S did not need to be an agenda item.

Council member Ellis made a motion to approve budget amendments for Aransas Pass Aquatic Center for deck repair, impellers; and slide repair with an extra \$30,000.00 toward repairs and past due harbor taxes. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

14. CONSIDER AND ACT ON FINALIZING TERMINATION OF STRIKE PUMPS CONN BROWN HARBOR LEASE THROUGH ARANSAS PASS CITY COUNCIL. (VERBAL TERMINATION ON 05/31/2012 BY CITY MANAGER REGGIE WINTERS WITH NO FORMAL ACTION THROUGH CITY COUNCIL)

Motion Made By: Council member Abrego
Seconded By: Mayor Pro Tem Hyatt
Votes: Aye Hyatt, Abrego, Gomez, Ellis, Chapa
Nay:

Discussion: Council member Abrego made a motion to approve finalizing termination of Strike Pumps Conn Brown Harbor Lease through Aransas Pass City Council. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously.

15. PRESENTATION BY MR. JASON GILDEN ON THE 2ND CHANCE BOXING CLUB AND CONSIDER AND ACT ON APPROVING THE CITY OF ARANSAS PASS' CONTINUED FUNDING THE 2ND CHANCE BOXING CLUB'S ELECTRICITY.

Presentation: Mr. Jason Gilden, 2nd Chance Boxing Club, stated the boxing club was located at the corner of Greenwood and Saunders in Aransas Pass. He stated the boxing club was an extension of the youth ministry at The Temple of Praise Church located at 700 Block W. Goodnight. He stated the vision behind the boxing club was due to one boy, Enrique Rodriguez. Mr. Gilden stated Enrique was allowed to quit school at 16 and was headed down a bad path. He started his boxing career and has turned his life around.

Mayor Chapa asked Mr. Gilden if he had a sign in sheet at his gym to keep track of city employees. Mr. Gilden stated no, they could come and go as they please. Chief Blanchard stated he had one officer using the boxing clubs gym.

The Mayor and Mr. Gilden discussed the importance of the boxing club and all other non-profit organizations in Aransas Pass.

Mr. John Smith with the Boy Scouts Troop 25 stated that the boys in the troop did not pay dues but held fundraisers to pay for their expenses. Council member Ellis stated that he was once a member of Troop 25. Mr. Gilden said in response to Mr. Smith that the members of the boxing club raised over a quarter of a million dollars.

Mr. Mack Oliver spoke on behalf of Mr. Gilden, saying that he thought he was doing a great job and helped him set up his organization. He also modeled his own organization after Mr. Gilden's. He brought up a past due water bill charge his account that the Council had discussed and acted on last year. City Manager Carrillo responded that the item could be placed on the next council meeting agenda to be discussed and acted on again.

Additionally, City staff will distribute a survey to Aransas Pass non-profit organizations to discuss funding options available by the City.

Council member Abrego made a motion to table the item until more information from the survey was available. The motion died for lack of a second.

Motion Made By: Mayor Pro Tem Hyatt
Seconded By: Council Member Gomez
Votes: Aye Hyatt, Gomez, Ellis
Nay: Mayor Chapa
Abstain: Council member Abrego

Discussion: Mayor Pro Tem Hyatt made a motion to continue funding the 2nd Chance Boxing Club's electricity. Council member Gomez seconded the motion and the motion carried with Mayor Chapa voting no and Council member Abrego abstaining.

16. CONSIDER AND ACT ON SELECTING FROM A POOL OF ENGINEERING FIRMS WHO HAVE SUBMITTED REQUEST FOR QUALIFICATIONS TO PARTNER WITH THE CITY OF ARANSAS PASS ON ALL FUTURE ENGINEERING PROJECTS.

Motion Made By:
Seconded By:
Votes: Aye
Nay:

Discussion: City Manager Carrillo stated she would bring a list of Engineers to the March 17, 2014 City Council meeting.

17. PRESENTATION ON CITY OF ARANSAS PASS ANNEXATION PLAN BY LNV REPRESENTATIVE MR. JOHNNY PERALES.

Motion Made By: **Passed**
Seconded By:
Votes: Aye
Nay:

Discussion: Council member

18. CITY MANAGER UPDATES: MISSION-ARANSAS NERR STAKEHOLDER SURVEY; TCEQ VIOLATIONS; CITY STRUCTURES SELECTED FOR REPAIR OR DEMOLITION NOTICES.

Updates: City Manager Carrillo spoke on survey at the harbor – information for future grants; TCEQ violations at the Waste Water Treatment Plant-fence needing to be replaced; work on water storage tanks will resume next week; Texas Parks and Wildlife visited the boat ramps; Texas General Land Office's visit to Conn Brown Harbor to view bulkhead; Engineering RFQ selection for Matlock grant and properties identified for repair or demolition.

19. CITIZENS' COMMENTS

Name: Ms. Carol Salinas

Address:

Concern: Leaders for youth out-of-line on remarks made during Gilden's presentations

Departments Affected:

Name: Mr. James Russell

Address:

Concern: Spoke on grandson being in 2nd Chance Boxing Club program.

Departments Affected:

Name: Mr. Roberto Riviera

Address:

Concern: Wanted to thank Mayor and Council for their support with 2nd Chance Boxing Club.

Departments Affected:

Name: Mr. Russ Pointe

Address:

Concern: Why was City docks moved in front of boat barns on harbor.

Departments Affected:

Council Member Abrego recognized the Boy Scouts for their work on the Little League Fields located at Community Park.

20. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE.

Mayor Chapa recessed the Open Meeting and retired into Executive Session at 8:41 PM

A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – MUNICIPAL COURT JUDGE – RONALD HOWE – REVENUES/EXPENSES

B. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR – KYLE ALSTON

C. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS – NAISMITH ENGINEERING – JBS ENVIRONMENTAL CLEAN-UP & CONN BROWN HARBOR PARK BOAT RAMP

21. RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 9:48 PM

A. SECTION 551.074 – DELIBERATIONS REGARDING PERSONNEL – MUNICIPAL COURT JUDGE – RONALD HOWE – REVENUES/EXPENSES

No action taken

B. SECTION 551.072 – DELIBERATIONS REGARDING REAL PROPERTY – CONN BROWN HARBOR – KYLE ALSTON

Mayor Pro Tem Hyatt made a motion to approve City Manager Carrillo continue to negotiate with Mr. Kyle Alston. Council member Abrego seconded the motion and the motion carried unanimously.

**C. SECTION 551.071 – CONSULTATION WITH CITY ATTORNEY – LEGAL MATTERS –
NAISMITH ENGINEERING – JBS ENVIRONMENTAL CLEAN-UP & CONN BROWN
HARBOR BOAT RAMP**

Mayor Pro Tem Hyatt made a motion to approve removing Naismith Engineering from the JBS environmental clean-up project. Council member Ellis seconded the motion and the motion carried unanimously.

22. ADJOURNMENT OF MEETING.

Motion Made By: Council Member Abrego
Seconded By: Mayor Pro Tem Hyatt
Votes: Aye Abrego, Hyatt, Gomez, Ellis, Chapa
Nay:

Council member Abrego made a motion to adjourn the meeting. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously

Mayor Chapa adjourned the meeting at 9:50 PM.

Adan Chapa, Mayor

Yvonne Stonebraker, City Secretary